

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CYBERFONE SYSTEMS, LLC (formerly	)	
known as LVL PATENT GROUP, LLC),	)	
	)	
Plaintiff,	)	
	)	C.A. No. 11-831 (SLR)
v.	)	
	)	
AMAZON.COM, INC.; AMAZON	)	
SERVICES LLC; EBAY INC.; PAYPAL,	)	
INC.; KAYAK SOFTWARE	)	
CORPORATION; EXPEDIA INC.;	)	
PRICELINE.COM INC.;	)	
TRAVELOCITY.COM, LP.; ORBITZ	)	
WORLDWIDE, LLC.; AMERICAN	)	
AIRLINES, INC.; DELTA AIRLINES, INC.;	)	
UNITED AIR LINES, INC.; SOUTHWEST	)	
AIRLINES CO.; AVIS BUDGET GROUP,	)	
INC.; ROUNDARCH, INC.; THE HERTZ	)	
CORPORATION; HOTELS.COM L.P.;	)	
MARRIOTT INTERNATIONAL, INC.;	)	
HILTON WORLDWIDE, INC.; HILTON	)	
HOTELS CORPORATION; HILTON	)	
GARDEN INNS MANAGEMENT LLC;	)	
STARWOOD HOTELS & RESORTS	)	
WORLDWIDE, INC.; PURE BIZ	)	
SOULTIONS LLC; INTER-CONTINENTAL	)	
HOTELS CORPORATION; AND SIX	)	
CONTINENTS HOTEL, INC.,	)	
	)	
Defendants.	)	

**DEFENDANT SIX CONTINENTS HOTELS, INC.'S JOINDER IN  
DEFENDANTS' MOTIONS TO DISMISS AND SEVER**

Six Continents Hotels, Inc. ("Six Continents"), a defendant newly added in the First Amended Complaint ("FAC") (D.I. 36) and first served on January 6, 2012, hereby joins in the Defendants' Motion to Dismiss Certain Claims in Plaintiff's First Amended Complaint For Failure To State A Claim Upon Which Relief Can Be Granted, filed on December 20, 2011

(“Motion to Dismiss”) (D.I. 51), and in Defendants’ Motion For Misjoinder Pursuant to Rules 20 and 21 (“Motion for Misjoinder”), filed on December 21, 2011. (D.I. 52). As noted in the Opening Brief in support of the Motion for Misjoinder, the FAC does not allege that there is a common transaction or occurrence between Six Continents and the remaining defendants, and, therefore, does not meet the standard for joinder under Fed. R. Civ. P. 20 and 21. Furthermore, the allegation in the FAC that Six Continents has infringed “at least claim 1 of the ‘060 patent”—a method claim—by making, selling or offering to sell the accused products and services (D.I. 36 ¶ 54) does not state a claim for which relief can be granted. Therefore, for the reasons set forth in the Opening Briefs for each of these motions (D.I. 53 & 54), Six Continents requests that the Court dismiss certain claims of Plaintiffs’ FAC for failure to state a claim upon which relief can be granted, and further requests that the Court dismiss or sever the claims in this action due to misjoinder.<sup>1</sup>

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January 27, 2012  
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<sup>1</sup> As set forth in footnote 6 of the Opening Brief, Six Continents does not seek to be severed from related defendant Inter-Continental Hotels, Corp.